HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 26731 OF 2006

Between:

K.K.M. Kishore Babu

..... Petitioner

AND

The Station House Officer,
Thotlavalluru (M), Krishna District & others

.....Respondents

:: O R D E R ::

Counsel for the petitioner : Shri B. Srirama Krishna

Counsel for respondent No.5 : Special Government Pleader

Counsel for respondent No.6 : Shri M.P. Acharya

Dated: 17.01.2007

Per G.S.SINGHVI, CJ

The petitioner, who is the Ex-Sarpanch of Gram Panchayat Thotlavalluru, Krishna District, has filed this petition with the following substantive prayer:

> "In the circumstances, it is most respectfully prayed that this Hon'ble High court may be pleased to issue a WRIT, ORDER OR DIRECTION, more particularly one in the nature of WRIT OF MANDAMUS declaring the inaction of the 4th respondent in immediately carrying out repairs to the 70 years old dilapidated and damaged Thotlavalluru KEB Canal bridge by implementing the orders passed by the 2nd respondent vide Rc.A.355/2006, dated 25-11-2006 as illegal, arbitrary and against Article 21 of the Constitution of India and consequently direct the 4th respondent to carry out all competent repair works on the KEB Canal bridge till its replacement, as informed by the 2nd respondent's orders vide Rc.A.355/2006, dated 25-11-2006 and pass such other order or orders as this Hon'ble High Court may deem fit and proper in the circumstances of the case."

On 26-12-2006, the Court passed the following orders:

> "Heard learned counsel for the petitioner and perused the record.
>
> Notwithstanding the defective framing of the writ petition, we, keeping in view the larger public interest, suo motu order impleadment of the Government of Andhra Pradesh through Principal Secretary, Roads and Buildings Department, Hyderabad as party respondent.
>
> Notice to the respondents.
>
> Sri A. Satya Prasad, learned Special Government Pleader is requested to accept notice.
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> Keeping in view the urgency of the matter, we deem it proper to request the learned Special Government Pleader to get in touch with District Collector, Krishna at Machilipatnam to ascertain why movement of heavy traffic on the disputed bridge, which appears to be in a precarious condition has not been stopped.

The matter would be taken up after lunch."

"In the post-lunch session, learned Special Government Pleader, on the basis of the instructions given to him by District Magistrate, Krishna at Machilipatnam, made a statement that effective steps are being taken to enforce the prohibitory order passed by the competent authority and also to ensure that heavy vehicles are not plied over the bridge in question.

In view of the statement of the learned Special Government Pleader, we deem it proper to adjourn the case to 3-1-2007 with the direction that affidavit on behalf of the respondents be filed on or before 2-1-2007, after supplying advance copy to the learned counsel for the petitioner."

By an order dated 3-1-2007 passed in WPMP No.197 of 2007, the Court accepted the prayer of Paladugu Rajendra, ordered his impleadment as respondent No.6 and adjourned the main case for today.

At the hearing, learned Special Government Pleader, on the basis of instructions given to him, made a statement that the bridge in question has been repaired by laying new slabs at the cost of Rs.2,00,000/- and the same would be opened for traffic by the end of this month.

Learned counsel for the petitioner and the added respondent say that they are satisfied with the statement of the learned Special Government Pleader.

In view of the above, the writ petition is disposed of as infructuous.

G.S.SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

17.01.2007

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